THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos.10014 and 22268 of 1996

DATED:17.08.2006

W.P.No.10014 of 1996

Between:

Y. Guruvaiah

..Petitioner

And

The District Collector, Cuddapah and others.

..Respondents

W.P.No.22268 of 1996

Between:

Kottala Venkataiah ..Petitioner

And

The District Collector, Cuddapah and others

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION Nos.10014 and 22268 of 1996

COOMON ORDER:

In both the writ petitions, the order passed by the Mandal Revenue Officer, B.Kodur, vide Ref.B.332/95, dated 31.01.1996, is challenged. Therefore, it is expedient to dispose of the matters by a common order.

The petitioners herein were assigned agricultural land in survey Nos.574/2 and 657/2 situated at Savisettipally Village, B.Kodur Mandal, Cuddapah District, by way of D.K.T. pattas. They were allegedly cultivating the land. Nonetheless, the Mandal Revenue Officer, B.Kodur after issuing notices to the assignees on 11.12.1995, cancelled the allotment only on the ground that the petitioners and 126 others are not residents of Savisettipalli Village and that they are not cultivating the land since five years prior to issuance of the impugned order. These writ petitions are filed assailing the said order, *inter alia*, on the ground that no show cause notice was issued before cancelling the assignment and that the allegation that the petitioners are not cultivating the land is not correct.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment).

Learned counsel for the petitioners brought to notice of this Court that a similar writ petition has been disposed of by this Court. A copy of the same, being W.P.No.12223 of 1996, dated 23.03.2006, is placed before this Court. This Court disposed of the writ petition directing the petitioners to appear before the Mandal Revenue Officer to receive the notice of reasons for cancellation and the petitioners were given liberty to file explanation whereupon the Mandal Revenue Officer shall consider and pass appropriate orders. The directions issued by this Court are as follows.

(a) the impugned order, dated 31.01.1996, is set aside to the extent of petitioners.

(b) the petitioners herein shall appear before the Mandal Revenue Officer, SAKN mandal, which is said to have been formed in the year 1999, on 16.03.2006. Without awaiting any intimation or notice on their appearance, the Mandal Revenue Officer, SAKN Mandal shall serve the show cause notices, pointing out the violations or contraventions, if any, on the part of the petitioners, and the petitioners, in turn, shall be entitled to submit their explanations on or before 23.03.2006.

(c) the Mandal Revenue Officer, in turn, shall pass appropriate orders before 31.03.2006, taking into account the explanations that may be submitted by the petitioners.

(d) the nature of rights to be enjoyed by the petitioners shall

depend upon the outcome of the orders that may be passed by the Mandal Revenue Officer, SAKN mandal.

Following the same, these writ petitions are disposed of in similar terms, but however, for the dates 16.03.2006 and 23.03.2006 mentioned in clause (b) above, the dates 31.08.2006 and 07.09.2006 shall be substituted and for the date 31.03.2006 in clause (c) above, the date 15.09.2006 shall be substituted. No costs.

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(V.V.S.RAO, J)

17.08.2006
GJ